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ANGES IN LEGISLATION IN GENERAL ASSISTANCE,

19

ALLOWANCES AND LIVING ACCOMMODATION FOR THE
ELDERLY IN CANADA, 1962 AND 1963

(3)

MEMORANDUM NO. 19

GENERAL SERIES



RESEARCH AND STATISTICS DIVISION

DEPARTMENT OF NATIONAL HEALTH AND WELFARE

OTTAWA

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CHANGES IN LEGISLATION IN GENERAL ASSISTANCE,
MOTHERS' ALLOWANCES AND LIVING ACCOMMODATION FOR THE
ELDERLY IN CANADA, 1962 AND 1963

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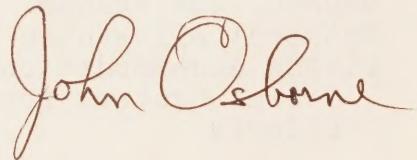
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F O R E W O R D

This bulletin, consisting of two articles covering the major changes in legislation in general assistance, mothers' allowances and living accommodation for the elderly during the years 1962 and 1963, is a sequel to an earlier publication, "Legislative Changes in General Assistance, Mothers' Allowances, and Living Accommodation for the Aged in Canada, 1958, 1959, 1960 and 1961".

The sections on general assistance and mothers' allowances were prepared by Miss Ruth Brown, and those on living accommodation for the elderly by Miss Blanche Borkovic, of the Welfare Section of this Division.

A handwritten signature in cursive ink, appearing to read "John Osborne".

John E. Osborne, Director,
Research and Statistics Division.

1. CHANGES IN LEGISLATION IN GENERAL ASSISTANCE,
MOTHERS' ALLOWANCES, AND LIVING ACCOMMODATION
FOR THE ELDERLY IN CANADA, 1963

GENERAL ASSISTANCE

During 1963 changes in legislation in general assistance occurred in six provinces; major amendments were made in Ontario, Saskatchewan and Alberta.

NEWFOUNDLAND

An announcement, gazetted October 22, 1963, decreed that a person who was a recipient of social assistance on October 1, 1963, and whose husband or wife was a recipient of Old Age Security on the same date, would not suffer a reduction in social assistance because of the increase in Old Age Security from \$65 to \$75 a month.

NOVA SCOTIA

An amendment to the Social Assistance Act (Statutes of Nova Scotia, 1963, c.45) removed, effective from October 1, 1962, the restriction that a person receiving a provincial allowance for abandoned or orphaned children in his care could not also receive an allowance under the section providing for allowances for those permanently disabled.

A new subsection provides that the settlement of a person receiving assistance in an institution is not affected while he is receiving municipal assistance from the municipal unit in which he has settlement when he is moved to a boarding home in another municipal unit.

Regulations under the Social Assistance Act, tabled February 25, 1963, set out the qualifications which staff of welfare departments or of agencies administering the assistance program must meet if the municipal unit is to qualify for provincial reimbursement for administrative expenses. The Regulations, which formerly applied only to the director or person in charge of a welfare department or of an agency administering the Social Assistance Act, now require that other members of the staff engaged in welfare work also be professional social workers and members of the Canadian Association of Social Workers or if not, have certain other specified qualifications. Their appointment, like that of the Director or person in charge, must also be approved by the Minister of Public Welfare.

NEW BRUNSWICK

An amendment to the Social Assistance Act (Statutes of New Brunswick, 1963, c.20) made changes in both Part I (Provincial Assistance) and in Part II (Municipal Assistance).

Under Part I, the maximum monthly allowance which may be paid to any needy mother or foster mother with dependent children has been raised from \$90 to \$115.

Under Part II changes include a revised definition of "assistance", additions to the sections on settlement, changes affecting welfare committees, the appeal committee, and the extension of the authority of the Minister to make agreements with other jurisdictions.

"Assistance" as now defined means "assistance given in cash or in kind to a person in need." The former definition enumerated forms of assistance which could be provided.

An addition to the Act provides that a person loses settlement when he has been absent from the Province for more than twelve consecutive months. The exceptions to the prohibition against transporting a person in need to another municipality for "the purposes of transferring the burden of administering assistance" have been broadened, so that a person may now be moved at the request of the municipality of settlement and with the approval of the Director of Social Assistance.

A new subsection provides that a member of a welfare committee may lay an information before a magistrate "calling upon a husband or father to show cause why he should not be imprisoned for a period not exceeding seven days when, while working and receiving remuneration, his wife or children are persons in need".

A revision has been made in the constitution of the Appeal Committee. As before it consists of three members, one appointed by the Lieutenant-Governor in Council, and two by the municipal council. However, the member appointed by the Lieutenant-Governor in Council is now to be the Chairman of the Committee.

The Minister, with the approval of the Lieutenant-Governor in Council, is authorized, on behalf of the Government of New Brunswick, to enter into a reciprocal agreement with any other province respecting assistance to persons in need.

ONTARIO

The General Welfare Assistance Act

An amendment to The General Welfare Assistance Act, passed in December, 1962 (Statutes of Ontario, 1962-63, c.53), was proclaimed effective January 1, 1963 (Ontario Gazette, January 19, 1963). The principal change made by the amendment is that of authorizing the Province to pay assistance without municipal participation to categories of persons prescribed in the Regulations. It is also provided that where there are special circumstances and investigation shows the advisability of assistance being paid to an applicant in this category who is not strictly eligible for assistance, the Lieutenant-Governor in Council may direct that assistance be paid to the applicant. The amount of such assistance is to be determined by the Regional Welfare Administrator who may also vary the amount from time to time.

The Lieutenant-Governor in Council is authorized to make regulations prescribing the categories of persons to whom the Province may provide assistance, determining the amount of assistance that may be paid, establishing a Medical Advisory Board, establishing a Board of Review consisting of the Director of the Welfare Allowances Branch and two or more other persons, and prescribing the powers and duties of field workers.

A new section has been added providing for penalties for persons obtaining or receiving assistance to which they are not entitled and for persons aiding or abetting another to receive assistance to which he is not entitled. A person found guilty of an offence under this section is liable on summary conviction to a fine of not more than \$100 or to imprisonment for not more than three months or to both fine and imprisonment.

Regulations under The General Welfare Assistance Act

Under the authority of the amendment to the General Welfare Assistance Act, outlined above, Regulations were gazetted prescribing provincial allowances for two categories of persons: dependent fathers and widows and unmarried women.

Dependent Fathers. Regulations governing assistance to dependent fathers were gazetted February 16, 1963 (O. Reg. 22/63). These Regulations set out the conditions under which a provincial allowance may be paid to a dependent father, that is, a person who is a father of a dependent child and who is permanently unemployable by reason of physical or mental disability. The conditions of aid, including the needs test,

residence requirements, and medical certificate, are the same as those formerly included under The Mothers' and Dependent Children's Allowances Act, from which provision for aid to these families was removed by the amendment to the Act effective January 1, 1963. As noted in the explanatory note to the Bill amending the General Welfare Assistance Act, payment of assistance to dependent fathers under this Act will enable the costs to be included in agreements with the Government of Canada under the Unemployment Assistance Act. The rates payable to dependent fathers are the same as those payable to mothers of dependent children under The Mothers' Allowances Act (see section on Mothers' Allowances below).

Widows and Unmarried Women. Regulations governing provincial assistance to widows and unmarried women (O. Reg. 111/63) were gazetted May 18, 1963 and amended by O. Reg. 337/63, gazetted December 28, 1963. This new program provides for allowances of up to \$75 per month (raised from \$65 by O. Reg. 337/63) to widows and unmarried women 60 years of age or more. The definition of "unmarried woman" includes a wife whose husband is a patient in a mental hospital, a sanatorium, a hospital for the chronically ill or a nursing home or is a resident in a home for the aged for at least six months; a wife whose husband has deserted her and has not been heard of for six months or more; a wife whose husband is imprisoned for six months or more; a woman who is divorced and has not remarried; and, under O. Reg. 337/63, a wife who is living separate and apart from her husband and has been so living for a continuous period of seven years or more.

The allowance is payable on a means test basis to women in this category who have resided in Ontario for at least one year. An applicant may have liquid assets of up to \$1,000, and if she is in one of the first three groups of "unmarried" women mentioned above, her husband's assets must not exceed \$1,000. The Regulations set out items to be considered in computing income, which may not exceed \$1,260 a year, including the allowance (raised from \$1,140 by O. Reg. 337/63). Recipients of government allowances under other programs and patients in mental hospitals, private hospitals, sanatorium, psychiatric hospitals, public hospitals and homes for the aged or nursing homes are not eligible for an allowance under these Regulations.

A recipient is entitled to receive medical services without cost under any agreement in writing in force from time to time between the Province of Ontario and the Ontario Medical Association.

It is required that a field worker visit each recipient at least once every year and oftener if requested by the Director of the Welfare Allowances Branch or a Regional Welfare Administrator. The Regional Welfare Administrator may appoint a trustee to act for the recipient if in his opinion the recipient is using or is likely to use assistance for other than her own benefit or is incapacitated or is incapable of handling the assistance.

The District Welfare Administration Boards Act

Under The District Welfare Administration Boards Act (Statutes of Ontario, 1962-63, c.37), to become effective on proclamation, councils of municipalities in improvement districts, except those having a population over 15,000, are required to establish a District Welfare Administration Board. It is to consist of from three to five members who are members of a council of a municipality in the district who are appointed jointly by all municipalities in the district for a term not exceeding one year, and two members appointed by the Lieutenant-Governor in Council for a term not exceeding three years.

The Board is to be responsible for the provision and administration of welfare services in the district, and is to have all the powers, duties and responsibilities given by any other Act to the councils of municipalities in the district. It is required, with the approval of the Minister of Public Welfare, to appoint a welfare administrator and other staff as necessary. Each municipality is to contribute an amount, including costs of administration, which the Board estimates will be required for welfare services for the year. Assessment rolls are to be revised and equalized each year by the district assessor or by the Department of Municipal Affairs. During the first year of its operation the Lieutenant-Governor in Council may make a grant to the Board on the basis of the population in the district.

MANITOBA

Manitoba Regulation 35/63 under The Social Allowances Act, gazetted May 18, 1963, to be effective May 1, 1963, repealed Section 12 of the Regulations made by Manitoba Regulation 25/62. The former Section 12 provided that a social allowance is not payable to a person unable to earn income sufficient to meet the basic necessities because of physical or mental ill health or incapacity and who is a resident of a municipality and who, in the opinion of the Director of Public Welfare, is not likely to lack the basic necessities if an allowance is not paid.

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SASKATCHEWAN

Social Aid

Social Aid Regulations were consolidated by Order-in-Council 977/63, dated May 21, 1963, and these were repealed by further Regulations gazetted July 5, 1963. The new Regulations (O.C. 1242/63 dated June 28, 1963) consolidate all the former Regulations with some changes. Among the changes made are the following:

A recipient, as formerly, is required to produce evidence that he has explored within the limits of his ability every possibility of self-support. In addition the new Regulations require that he also explore every possibility of "rehabilitation and re-establishment". A rehabilitation allowance is now included among other items of special need, and may be given a recipient or his dependents to enable him or them to take training to become wholly or partially self-supporting.

Aid may be cancelled when employment is available which the recipient is capable of performing.

Rates for hostels have been omitted, and it is now provided that accommodation away from home may be up to \$2 per room per day. Municipalities may, however, grant an allowance for meals and accommodation on the basis of actual minimal cost.

The section in the former Regulations including provision for legal fees for a recipient in obtaining help from a deserting husband or parent has been deleted.

Back bills, as formerly, may be paid under certain circumstances. These are now specifically defined and are more restrictive than under previous Regulations. Arrears in payment for shelter or utilities which were accumulated prior to applying for aid may be paid only if the health and safety of the recipient or that of his family are threatened and if his failure to pay them was because of lack of resources.

A change has been made in the clause governing casual and part-time earnings of the recipient or his family. Formerly, an individual was allowed \$5 per month, a family of two, \$10, and a family of three or more, \$15 per month, without deduction being made in the social aid allowance. The exemption now may not exceed a maximum of 25 per cent of the recipient's basic budget requirement. Earnings during the school term of dependent children

attending school are wholly exempt. During the summer holidays children earning and living at home may have an exemption of up to \$40 per month and 50 per cent of all subsequent earnings. If a recipient fails to report the total amount of casual or part-time earnings by himself or his dependents, the amount is deducted from future exemptions.

Supplemental Allowances

Supplemental Allowances Regulations (Order in Council 1733/63, dated September 27, 1963), gazetted October 4, 1963, repealed and replaced former regulations, O.C. 1431/62 of August 27, 1962. These were amended by Regulations (O.C. 2163/63 dated November 26, 1963), gazetted November 29, 1963. (These Regulations govern aid to recipients of Old Age Security and Blind Persons Allowances.)

A number of new sections have been included in the Regulations of October, 1963.

The section on eligibility for allowances has been revised to correspond with that of the Regulations governing social aid; the words "rehabilitation and re-establishment" have been added so that the applicant must produce evidence "that he has explored within the limits of his ability every possibility of support, rehabilitation and re-establishment".

The new Regulations provide for a Disability Certification and Rehabilitation Review Committee consisting of a qualified medical practitioner, a social worker and such other persons as may be appointed by the Minister of Social Welfare and Rehabilitation. It is the function of the Committee to review, whenever required, those applications for an allowance which include an incapacitated child and to evaluate the merits of the medical and social reports pertaining to each incapacitated child. The Committee makes its recommendations to the Director of Public Assistance. Also, at his request, the Committee reviews the condition of each incapacitated child on whose behalf an allowance is being paid if a review is not being done under another public program, and advises the Director of any change in the physical or mental condition of the child.

A new section (Section 10) sets out the intent of the Act and Regulations, namely to grant an allowance to persons in need who are unemployed or unemployable and not to subsidize the income of employed persons. It provides, however, that the Director may, in his discretion, if extreme hardship would otherwise result, waive or modify this provision and may grant an allowance to a person when either he or his spouse is a wage-earner in full-time employment.

Like the Social Aid Regulations, these Regulations provide that an allowance on behalf of a child attaining the age of 18 while attending school may be continued to the end of that school year. The clause governing casual and part-time earnings of the recipient or his family has been revised to correspond with that of the Social Aid Regulations. Similarly, the new Regulations also specify that in calculating total assets, items of personal property not essential for the health and welfare of the recipients may be considered available to him to be used for his current maintenance either as collateral for loan or through outright sale.

Under the Supplemental Allowances Regulations, gazetted November 29, 1963 (O.C. 2163/63), changes were made in some schedules of rates in the items of basic maintenance and in the means test for those under the means test allowance program.

The monthly food allowance for each adult has been raised from \$21.50 to \$26.50. The schedule of utilities has been expanded to include a monthly allowance for a telephone, and the monthly allowance under the schedule of a personal and household allowances for "other incidentals" has been raised from \$5.50 to \$9.00.

The allowable income for those under the means test program has been raised from \$1,140 to \$1,260 a year for a single person and the total liquid assets of a recipient and his spouse raised from \$2,000 to \$2,220 a year.

ALBERTA

An amendment to the Public Welfare Act (Statutes of Alberta, 1963, c.52), assented to March 29, 1963, made several important changes. In addition to authorizing the Minister of Public Welfare to provide aid to a destitute person who is a transient or a resident of the Province, the Act now authorizes him also to provide aid to "a person who is in need of immediate or urgent assistance".

The amendment removes from the Act the requirement that an unemployed person, who has applied for or is receiving material aid, perform unemployment relief work if requested to do so by the municipality or by the Department of Public Welfare. It also deletes the clause which removes from a municipality or the Department any obligation to continue to aid any person who has refused to perform any unemployment relief work in the municipality.

The definition of "dependent", which formerly included a child seventeen years of age if attending school and making satisfactory progress, has been extended to include one who is over sixteen but under nineteen years of age who is attending school and making satisfactory progress.

An added section permits the Minister to cause a caveat in the prescribed form to be registered in the land titles office against the certificate of title for the land if a social allowance is provided to meet the payments of a land mortgage or an agreement for the sale of the land. A transfer of a mortgage or an assignment of an agreement for sale or any other arrangement or agreement concerning a mortgage or agreement for sale is not valid without the written consent of the Minister. A caveat cannot be cancelled or withdrawn except by the Minister's request to withdraw the caveat. The Minister may waive the rights given by this Section for the purpose of proceedings or for any other reason he thinks proper.

The Social Allowances Regulations under Part III of the Public Welfare Act were amended by Alberta Regulation 174/63, gazetted May 31, 1963 (O.C. 705/63). The schedule of the maximum monthly food and clothing allowances has been amended with slight changes in amounts. The new schedule which became effective April 1, 1963 now includes a rate for a child of nineteen years; formerly the schedule included rates for children up to and including eighteen years of age. Allowance for special diets remain at the same rates as formerly.

MOTHERS' ALLOWANCES

Changes in rates were made in mothers' allowances programs in two provinces, Prince Edward Island and New Brunswick, and administrative and other changes made in Ontario and Alberta.

PRINCE EDWARD ISLAND

Changes in the Mothers' Allowances Regulations were gazetted June 29, 1963, to have effect from July 1, 1963. Gross income limits were raised for a mother and one child from \$900 a year to \$1,800; the permissible limit, as formerly, is increased by \$100 a year for each additional child up to six or more children. The maximum monthly income for a mother and one child was raised from \$35 a month to \$70 a month.

NEW BRUNSWICK

Under an amendment to the Social Assistance Act (Part I, Provincial Assistance) (Statutes of New Brunswick 1963, c.20), the maximum monthly allowance which may be paid to any needy mother or foster mother with dependent children was raised from \$90 to \$115. Under Order in Council 63-324, gazetted May 21, 1963, the maximum monthly assistance payable on behalf of a mother and one dependent child was raised from \$35 to \$60.

ONTARIO

Regulations governing assistance to dependent fathers were gazetted February 16, 1963 (see above section under General Assistance). These Regulations were pursuant to the amendment to The General Welfare Assistance Act effective January 1, 1963, which authorized the Province to pay assistance without municipal participation, to categories of persons prescribed in the Regulations, and to the amendment to The Mothers' and Dependent Children's Allowances Act, effective the same date, which removed from the Act provision for assistance to those families with a dependent father in the home.

The amendment to The Mothers' and Dependent Children's Allowances Act also changed the name of the Act to "The Mothers' Allowances Act". Regulations under this Act gazetted February 9, 1963, replaced previous Regulations and made minor changes in the calculation of income, and included a table of pre-added budgets (i.e. the amount allotted for food, clothing and sundries) according to the number and age of children in the family.

ALBERTA

A new section added to the Social Allowance Regulations under the Public Welfare Act (Alberta Regulation 477/63, gazetted November 15, 1963) to be effective November 1, 1963, provides for the payment of an allowance to a guardian on behalf of dependent children. A guardian is defined as a relative or suitable person, approved by the Director of Public Assistance, who is providing a home for the child and assuming responsibility for the child's support, care and training. Payment is made to a guardian on behalf of children when both parents are dead, are confined to a sanitorium, nursing home, hospital, penal institution or a provincial hospital for the mentally ill, or when one parent is dead and the other confined to one of these institutions, or when both parents have abandoned the children or otherwise shown themselves unable to care for them.

LIVING ACCOMMODATION FOR THE ELDERLY

The maximum interest rate for loans under Section 16 of the National Housing Act was increased from 5 1/8 per cent per annum to 5 1/4 per cent by Order in Council P.C. 1963-1590, gazetted November 13, 1963.

New or amended legislation affecting living accommodation for the elderly came into effect in Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick.

ALBERTA

An Act respecting the Operation of Welfare Homes (Statutes of Alberta, 1963, c.73) came into force on July 1, 1963. This repeals the Homes for the Aged or Infirm Act and amends certain provisions in The Public Welfare Act, The Homes for the Aged Act and The Child Welfare Act, bringing the regulation and licensing of homes and institutions formerly operated under these Acts under the new Act administered by the Director of Welfare Homes.

The Welfare Homes Act defines a "home" as a place of care for persons who are aged or infirm, or require special care, and includes nursing homes but not hospitals; institutions, nurseries, shelters or observation homes as defined in The Child Welfare Act; and hostels or other establishments operated to provide accommodation and maintenance for unemployed or indigent persons.

The Act provides for the appointment of a Director of Welfare Homes and other employees necessary to administer the Act. All homes caring for four or more persons must be licensed, and licensing procedures are outlined. Books and records must be kept in a form prescribed by the Director and inspectors may enter homes to examine the premises and books.

The Lieutenant-Governor in Council may make regulations respecting admissions, standards of accommodation and care, employment of staff, licensing and other matters necessary for carrying out the Act.

Under the Act the Minister is empowered to acquire and operate hostels, nursing homes, institutions and nurseries and otherwise provide for the care, rehabilitation, and training of children or of persons who are unemployed, aged or infirm, or who require special care.

SASKATCHEWAN

Through Order in Council 508/63, gazetted April 5, 1963, the clause defining "boarding house" was deleted from Regulations under The Housing Act.

MANITOBA

Under Manitoba Regulation 49/63 under The Public Health Act, gazetted June 29, 1963, a new subdivision has been added to Part V - Division 4 ("Maternity Homes and Private Boarding Homes and Private Institutions for Aged and Infirmit People" of former Regulations). The new subdivision covers "care institutions" which include private boarding homes, nursing homes, boarding care homes, and any other place where two or more adults are treated, cared for, lodged, fed or maintained entirely or partly at public expense or through public subscription. Hospitals, sanatoria, schools, colleges, barracks and penal institutions are excluded.

The Regulations define private boarding homes, nursing homes, and boarding care homes, set out licensing procedures and detailed standards respecting buildings, equipment and facilities, accommodation for residents, fire protection, staff, health and medical care, nutrition, recreational activities, and records.

ONTARIO

Changes were made in Regulations under The Homes for the Aged Act, and Regulations were gazetted under The Elderly Persons Social and Recreational Centres Act which was passed in 1962.

Under O. Reg. 25/63, gazetted February 16, 1963, under The Homes for the Aged Act, the following provisions were made.

The provision that "No resident shall leave a home at any time without the permission of the Superintendent" has been changed so that the word, "notifying", replaces the words, "the permission of".

Where replacement of furnishings or equipment or repairs to or maintenance of the buildings, equipment or grounds exceeds \$500 in cost, ministerial approval must be obtained before payment is made. The Minister must also approve the initial salary or annual or other periodic increase in salary to a superintendent or the supervisory staff of a home.

In computing the cost of maintenance for the provincial subsidy no resident is included who in the judgement of the provincial authority is able to pay the whole or part of the cost. If he pays nothing he is not included in the cost and, if he pays less than the provincial authority determines he could pay, this additional amount is computed as paid.

Residents receiving Old Age Security, Old Age Assistance or Blind or Disabled Persons' Allowances, may retain 15 per cent of these benefits for their personal use. Residents having income from other sources will be required to pay for their maintenance an amount equal to the maximum governmental benefit less 15 per cent for personal use. In the event of the death of a resident, recovery of the cost of maintenance may be made from the gross amount of his assets less an amount deemed reasonable for burial expenses.

Terms of office for members of boards of management of homes are three years for two members, two years for two members, and one year for one member; chairmanship is to be changed at least every three years.

Regulation 130/63 under The Elderly Persons Social and Recreational Centres Act, gazetted June 15, 1963, sets out procedures to be followed in applying for a grant for the erection, alteration, extension or acquisition of a building or premises for use as a social and recreational centre for elderly persons. The capital cost of furnishing or equipping the centre may be included in computing the cost for the purpose of receiving a provincial grant of 30 per cent of the total cost.

NOVA SCOTIA

Amended Regulations under The Social Assistance Act came into force on November 27, 1963.

Municipal units may now be reimbursed for the costs of maintaining needy persons in homes for special care in addition to those in municipal homes. "Homes for special care" are defined as nursing homes, hostels for indigent transients and homes for the aged.

Provincial reimbursement, formerly calculated on the basis of 66 2/3 per cent of expenditure by the municipal unit, is now calculated at 66 2/3 per cent of the difference between the per diem rate approved by the Minister for the home for each day of the person's stay and the revenue received by the Municipal unit on the person's behalf from sources other than the municipal unit.

For a person who is 65 years of age or older, or who received provincial social assistance for disability under Section 7(c) of The Social Assistance Act and is maintained in a municipal home or a home for special care, the municipal unit is considered to have received monthly on that person's behalf an amount equal to \$12.00 less than he is eligible to receive under Section 7(c) of The Social Assistance Act, the Old Age Assistance Act, the Blind Persons' Allowances Act or the Old Age Security Act. Should the total amount paid to a municipal unit for the maintenance of a needy person be in excess of the cost to the municipality, the excess is to be paid or credited to the person being maintained or to the person making payment on his behalf.

NEW BRUNSWICK

Order in Council 63/274 under the Health Act, gazetted May 8, 1963, amended Regulations for the Inspection, Licensing and Control of Nursing Homes and Places Offering Accommodation for the Aged and Infirm.

Under the amended Regulations non-ambulatory patients in nursing homes may be accommodated on floors above the ground level if the building was formerly used and approved as a hospital. The approval of the Minister of Youth and Welfare and of the Fire Marshall is necessary and twenty-four-hour supervision of patients is required.

2. CHANGES IN LEGISLATION IN GENERAL ASSISTANCE;
MOTHERS' ALLOWANCES, AND LIVING ACCOMMODATION
AND SOCIAL CENTRES FOR THE ELDERLY, 1962

GENERAL ASSISTANCE

During 1962 Newfoundland replaced The Social Assistance Act with a revised Act, and Nova Scotia and New Brunswick amended their respective Social Assistance Acts. Changes in regulations governing general assistance were made in Alberta, Saskatchewan, Manitoba, Ontario, Quebec and Newfoundland.

ALBERTA

The schedule of food and clothing allowances for recipients of provincial social allowances was amended by Alberta Regulation 128/62 (O.C. 314/62) gazetted March 15, 1962.

The new schedule, effective April 1, 1962, sets out, as formerly, rates for adults and children, but separate rates are now set according to each year of age by sex for children up to the age of 18 years. Formerly food rates for children over 12 years of age were set out according to sex and age groups, and for children under 12, by age groups only. Clothing rates for children were set out by varying age groups, and over the age of three, by sex also.

The revised schedule makes some alterations in rates, which are now given in monthly amounts only and do not include, as formerly, weekly and semi-monthly amounts. Food rates are slightly higher, except those for adult females, and clothing rates, a little lower for most categories. The food rate for adults living alone, formerly \$27.50 a month, is now \$28.60 for a male and \$25.10 for a female. Clothing rates, formerly \$7.20 a month for an adult male and \$8.30 for an adult female, are now \$6.70 and \$8.10 respectively. Provision is made in the revised schedule for a food allowance which is higher than the usual rate for an adult living alone and for a married couple where there are inadequate cooking and refrigeration facilities.

The schedule provides for certain increases or deductions in allowances for some sizes of family. Increases of 10 per cent are made in food allowances for a family of one adult and one child and for a family of three. A deduction of five per cent is made in both the food and clothing allowances for a family of seven or more. Increases in monthly amounts are also specified for certain types of special diets.

SASKATCHEWAN

Supplemental allowances were revised under O.C. 552/62 gazetted April 6, 1962. The clothing allowance for persons 65 years of age and over was raised from \$5.50 to \$10 a month, and a new item of \$5.50 a month was included for incidentals for persons 65 years and over and for recipients of Disabled Persons' Allowances and Blind Persons' Allowances.

Regulations O.C. 1431/62, gazetted September 14, 1962, rescinded all former supplemental allowances regulations and substituted a new schedule. These regulations, which include the above changes, also specify that need exists if there is a "budget deficit of \$1.00 or over"; formerly no amount was set.

A new section, entitled, "Means Test Allowances", sets out a means test for those persons who received the supplemental allowance of \$2.50 a month paid to all recipients of Old Age Security pensions and Blind Persons' Allowances prior to April 1, 1961, who have been continuously receiving the allowance since that date, but who were not able to qualify for an allowance under the regulations governing new applicants since April 1, 1961. These persons may continue to receive the allowance at the rate of \$2.50 a month if they satisfy the means test which is the same as that for applicants for Old Age Assistance; that is, an unmarried person may have an income of \$1,140 a year, including the allowance, and liquid assets of \$1,000, and a married couple may have an income of \$1,980 and total liquid assets of \$2,000. Income and liquid assets are computed according to the Old Age Assistance Regulations.

MANITOBA

Manitoba Regulation 25/62, gazetted March 31, 1962, effective from April 1, 1962, repealed former regulations under The Social Allowances Act and under Part III of The Child Welfare Act.

Some changes in the schedule of provincial allowances have been made in items for home upkeep and in allowances for persons not living with their own families, but amounts for food, clothing and rent remain as before.

Persons who own or are buying their own homes may now receive an allowance to cover the actual cost of current taxes and insurance, minor repairs up to \$125 a year, and the principal and interest on a mortage or agreement for sale

up to an amount equal to the maximum allowable rent less taxes and insurance. Formerly current taxes, insurance and minor repairs were covered by a maximum allowance of \$20 a month and a monthly maximum of \$55 less taxes was allowed for the principal and interest on mortgage or agreement for sale.

A single person boarding with any one other than a relative may now receive an allowance of \$7 a month for household and personal needs. The schedule of amounts for room and board for a single person living away from home has been expanded and now sets out the amount for single persons and for couples under various living arrangements. The former Regulations specified an amount of up to \$60 a month for room and board and up to \$90 if special care and attention were required. The amount now set for room and board for a single person in the home or a relative is up to \$45 a month, and for a couple, up to \$80. If special care is required, the maximum amounts are \$75 for a single person and \$105 for a couple, or if both require special care, \$130. For room and board in a private boarding home, the amount allowed for a single person is up to \$60 a month, or if special care is required, up to \$90. The amount for a couple is up to \$100 a month, up to \$140 if special care is required for one, or \$175 if special care is required for both.

An added clause in the Regulations authorizes the basic food allowance to be exceeded when a recipient requires a special diet on medical recommendation.

ONTARIO

The General Welfare Assistance Amendment Act 1962-63 (Statutes of Ontario 1962-63 c.53), passed December 19, 1962, was proclaimed effective January 1, 1963. It contains provision for the extension of provincial aid without municipal contribution to classes of persons prescribed in the Regulations. Provision is also made for assistance to be authorized by the Lieutenant-Governor in Council to an applicant not strictly eligible for assistance but for whom special circumstances make it advisable.

The Lieutenant-Governor in Council may make regulations governing aid to those persons now included in the new clause under the Act, and may prescribe the persons to whom the Province may give assistance, and the amounts of assistance which may be paid, establish a board of review, and prescribe the powers and duties of field workers.

An addition makes it an offence for any person knowingly to obtain or receive assistance to which he is not entitled, or to aid or abet another person to obtain or receive assistance for which he is not eligible. Any person guilty of such an offence, upon summary conviction, is liable to a fine of up to \$100 or imprisonment up to three months, or both.

Under Regulations under the General Welfare Assistance Act, gazetted April 14, 1962 (O. Reg. 78/62), the Province will increase its contribution to a municipality if, when the monthly return is submitted, the monthly average of persons for whom aid has been given in that month and the preceding five months (excluding those receiving rehabilitation services and foster children receiving aid) equals or exceeds 6 per cent of the population. Under these circumstances, the Province will pay 90 per cent, rather than the 80 per cent otherwise prescribed, of the costs of aid given for persons in excess of 5 per cent of the population.

Regulations, gazetted July 21, 1962 (O. Reg. 175/62), added a new section on assistance for the care of dependent foster children. It provides that assistance may be granted by a municipal welfare administrator to a person acting in loco parentis to an unmarried dependent foster child, who is not a ward of a children's aid society. The Province will pay 50 per cent of the cost of assistance up to \$30 a month for one foster child, \$55 for two foster children, and \$15 for each additional child.

The latter Regulations also changed from April 1, 1957 to April 1, 1959, the date from which residence in a municipality or territory is calculated.

QUEBEC

Quebec revised and consolidated existing Regulations governing public assistance by Order in Council Number 972 of June 11, gazetted July 14, 1962.

These Regulations, which came into force on July 1, 1962, made several changes as follows:

The supplementary allowance payable to needy recipients of old age security, old age assistance, blind persons allowances and disabled persons allowances remains at a maximum rate of \$10, but the ceiling for the total monthly allowance, including the supplemental allowance, has been raised from \$65 to \$75.

The amount of supplementary assistance granted to beneficiaries of governmental allowances, including needy mothers with dependent children and needy widows or spinsters, by reason of their living in certain high cost areas is now paid according to rates fixed by the Lieutenant-Governor in Council, rather than by specific rates set out in the Regulations as formerly.

It is emphasized that emergency assistance is to be given only after all other means of assistance have been exhausted. This allowance is to be granted by special permission of the director of the welfare agency concerned or, in his absence, by his appointed assistant. Payment is not made to the needy person but is made on his behalf.

A change in the regulation governing special assistance permits the regional welfare officer or, in the case of a beneficiary of a governmental allowance, the Quebec Social Allowance Commission, to issue emergency assistance if a delay would cause special assistance to become useless.

The prohibition against giving aid to persons receiving unemployment insurance has been rescinded and aid may now be given, but any unemployment insurance must be subtracted from the total allowance.

A further change permits applications for special assistance payments to be made to a welfare organization as well as to the Social Allowances Commission. Payment, however, for special assistance to recipients of governmental allowances is made by a welfare organization only on the authorization of the Commission.

The new Regulations authorize the Commission, in the event of the death of an unemployable beneficiary, to decide whether payment to the spouse will continue to be made through the Commission or whether payment will be made through a welfare organization.

NOVA SCOTIA

An amendment to the Social Assistance Act (Part II, Municipal Assistance) (Statutes of Nova Scotia 1962, c. 59) added a section on settlement to make it clear that time spent in a mental institution, jail, penitentiary, municipal home, hospital, nursing home, or sanitorium does not constitute residence in the municipal unit in which the institution is situated.

A further section requires the municipal council to publish in a newspaper circulating in the municipality the names and addresses of members of the municipal welfare committee within thirty days of their appointment.

NEWFOUNDLAND

Newfoundland passed a new Social Assistance Act, 1962 (Statutes of Newfoundland, 1962, No. 4), assented to March 20, 1962, which replaced and consolidated The Social Assistance Act, 1954, with amendments since that date. No change has been made in substance in the new Act.

A number of changes have been made in the section on definitions. These are principally minor changes with the exception of the definition of 'child'. 'Child' is defined as a person under the age of twenty-one years; a definition of 'child' was not contained in the former Act. The definition of 'guardian' has been altered to mean a person 'who in the view of the Board' (that is, the Social Assistance Board) has accepted responsibility for the care and custody of the 'child'. The approval of the Minister of Public Welfare is still required if a person other than a relative is to qualify as a 'guardian' for the purposes of the Act. The definition of 'social assistance' does not include counselling services as did the former definition.

A new subsection gives each member of the Social Assistance Board the power to administer oaths and receive affidavits, declarations and affirmations. Welfare officers appointed under The Department of Public Welfare Act may grant assistance in kind under conditions which the Minister may prescribe. The latter is not a new procedure, but specific authority for so doing was not set out in the previous Act.

A number of important changes were made under the Regulations during the year.

Regulations, gazetted January 9, 1962, provide that assistance in kind issued pending approval of social assistance in cash be recovered from the initial payments of social assistance in cash, if there has been an overlapping of payments, and if the cash allowance is sufficient to cover the amount. If not, recovery is effected from subsequent payments. Payment in kind for the month preceding payment in cash is not recovered.

Regulations, gazetted April 3, 1962, effective from April 1, 1962, raised from \$440 to \$600 the amount of allowable annual outside income permitted a family consisting of adults only receiving social assistance. The value of 'personal property' is no longer combined with value of real property in calculating eligibility. The Regulations now provide that no assistance shall be granted an adult or family if his or their real property exceeds a net value of \$5,000 in a rural community or \$10,000 in an urban community. These amounts formerly included both real and personal property. The amounts permitted for liquid assets remain unchanged.

Under Regulations, gazetted April 10, 1962, boarding home rates were raised from \$75 to \$80 a month for ambulatory persons, and from \$100 to \$120 a month for bedridden persons.

MOTHERS' ALLOWANCES

Amendments to the Acts governing allowances to needy mothers with dependent children were made in New Brunswick, Quebec and Ontario, and to Regulations in Alberta and Manitoba.

In New Brunswick an amendment to Part I of The Social Assistance Act (Statutes of New Brunswick 1961-62, c.30), assented to March 29, 1962, raised the age of children who may benefit from an allowance from 17 to 18 years. As previously, allowances are extended to the end of the school year in which the birthday falls.

In Quebec, an amendment to The Needy Mothers Assistance Act (Statutes of Quebec 1962, c.43), assented to March 14, 1962, authorized the Social Allowances Commission to pay an additional allowance according to need to recipients of a needy mothers allowance.

In Ontario, The Mothers' and Dependent Children Allowances Amendment Act, 1962-63 (Statutes of Ontario 1962-63, c.86), which changed the title of the Act to The Mothers' Allowances Act, was passed December 19, 1962, and became effective on proclamation, January 1, 1963.

A major change made by the amendment removed from the application of the Act those cases where need arises because of the permanent unemployability of the father. These are now to be dealt with under The General Welfare Assistance Act.

A new subsection provides that a child of more than eighteen years may continue to be eligible for assistance if he is residing with his mother in Ontario, is attending secondary school, and in the opinion of the principal of the school and of the Director of the Welfare Allowances Branch, is making satisfactory progress with his studies. Previously no provision was made for the continuation of allowances beyond 18 years of age.

An amendment to The Indian Welfare Services Act, passed December 19, 1962 (Statutes of Ontario 1962-63, c.63), extends all benefits of The Mothers' Allowances Act to Indian mothers. Previously only those Indian mothers who were widows or whose husbands were disabled were eligible for allowances.

In Manitoba, allowances for mothers with dependent children under The Social Allowance Act and Part III of the Child Welfare Act were revised by Manitoba Regulation 25/62, gazetted March 31, 1962. (See section on General Assistance).

Under Alberta Regulation 127/62, gazetted March 15, 1962, the rates for recipients of allowances under The Mothers' Allowances Act¹ were raised by \$10 a month. The rate for a mother and one child was increased from \$70 to \$80 a month and that for a mother with 9 or more children, from \$185 to \$195 a month. The new rates became effective February 1, 1962.

ACCOMMODATION AND SOCIAL CENTRES FOR THE ELDERLY

BRITISH COLUMBIA

In British Columbia a complete set of new Regulations under the Welfare Institutions Licensing Act were approved on April 12, 1962, and gazetted on May 3, 1962. These Regulations define (for the first time), "care and protection"; set out in detail the information required in the application for a licence; are more specific than formerly with respect to

¹ No applications under this Act have been accepted since June 1, 1961; applications since that date come under The Public Welfare Act, Part III. Beneficiaries under The Mothers' Allowances Act were given the choice of transferring to the social allowances program, or of remaining under the mothers' allowances program.

standards for building and equipment, and matters such as staffing, recreation facilities and meals; and make it mandatory for all homes caring for two or more elderly persons to be licensed by the Welfare Institutions Board.

ONTARIO

In Ontario an amendment to the Homes for the Aged Act (Statutes of Ontario 1961-62, c.53), was assented to on April 18, 1962. New provisions limit the recovery of maintenance costs for residents of homes to assets prescribed by the Regulations, authorize municipalities to hold land for the purpose of entering into trust agreements with residents, and require ministerial approval of sites for homes in territorial districts. Provincial responsibility for construction cost for homes in territorial districts has been enlarged. While the Province formerly paid the proportion of such costs that were referable in unorganized parts of the district, a new sub-section extends provincial responsibility to other capital expenditures.

Under a new clause the Lieutenant-Governor in Council may make regulations fixing terms of office for members of boards of management for homes in territorial districts, and requiring that chairmanship be changed regularly. In a municipality which has a board of control the appointment of members to boards of management of homes is now subject to the recommendation of the board of control.

The Elderly Persons Social and Recreational Centres Act (Statutes of Ontario 1961-62, c.37), assented to April 18, 1962, is the first act of its kind in Canada. Under its terms the Province will meet up to 30 per cent of the cost involved in the provision of a social and recreational centre for elderly persons, if the municipality in which it is to be situated contributes at least 20 per cent of the cost.

As the result of an amendment to the Regulations under the Charitable Institutions Act, gazetted March 17, 1962, the Province will pay up to \$5 daily for the maintenance of a resident in an institution having a bed care unit of at least 20 beds. The maximum daily payment for residents of an institution without such a unit remains at \$3.40.

Under The Charitable Institutions Act 1962-63 (Statutes of Ontario 1962-63, c. 11), assented to December 19, 1962, which will replace the present Charitable Institutions Act on proclamation, residence in Ontario is

required for all persons in respect of whose costs of maintenance the Province contributes. Residence of at least 12 consecutive months immediately prior to admission to the institution is required. Periods of time in which a person was a patient or resident in a hospital, sanatorium, nursing home, home for the aged or other private, charitable or public institution for custodial, medical, educational or supervision, are excluded.

NEW BRUNSWICK

The Auxiliary Homes Act (Statutes of New Brunswick 1960-61, c.4), assented to April 8, 1961, was proclaimed in force January 1, 1962. Under this Act, provincial grants of \$2,000 per bed or fifty per cent of capital costs, whichever is the lesser, may be made to municipalities constructing homes to accommodate persons who because of disease or age require custodial care but who are not eligible for services under the Hospital Services Act.

PRINCE EDWARD ISLAND

In Prince Edward Island, The Senior Citizens Housing Corporation Act (Statutes of Prince Edward Island, 1962, c.33), assented to on April 6, 1962, established the Senior Citizens Housing Corporation, to be composed of seven Directors appointed by the Lieutenant-Governor in Council and the Minister of Welfare and Labour who is to be the Chairman of the Board. The Corporation is empowered to borrow money and to enter into any necessary agreements under the provisions of Part II of the National Housing Act or any other federal statute.

The Lieutenant-Governor in Council may authorize the Provincial Treasurer to pay working capital to the Company as an accountable advance. He may also authorize the Company to borrow additional capital and authorize the Provincial Treasurer to guarantee the payment of such amounts. Company books and records must be open for audit and inspection at all times and accounts included in its Annual Report.

The Company's head office is to be in Charlottetown and its authorized stock to consist of one thousand shares with a value of \$1,000 each. The Directors have full power to administer Company affairs and, with the approval of the Minister, may pass by-laws to regulate the appointment, functions and duties of company officers and their remuneration, and the time, place and procedure of board meetings, and generally the conduct in all other particulars of the affairs of the company not otherwise provided for by the Act.



